

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC., a  
Delaware corporation,

Plaintiff-Counterdefendant,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant-Counterclaimant.

Civil Action No. 08-862-JJF/LPS

**VERDICT FORM**

A. **Leader's Patent Infringement Claims Against Facebook**

1. **Literal Infringement**

Do you find that Leader has proven by a preponderance of the evidence that Facebook has literally infringed each and every element of any of the asserted claims of U.S. Patent No. 7,139,761?

YES X

NO \_\_\_\_\_

- a. If you answered "Yes," please place a check mark next to the claims you found to be infringed.

Claim 1: <u>X</u>	Claim 4: <u>X</u>	Claim 7: <u>X</u>
Claim 9: <u>X</u>	Claim 11: <u>X</u>	Claim 16: <u>X</u>
Claim 21: <u>X</u>	Claim 23: <u>X</u>	Claim 25: <u>X</u>
Claim 31: <u>X</u>	Claim 32: <u>X</u>	

**2. Infringement Under the Doctrine of Equivalents**

If you found that Facebook did not literally infringe some or all of the claims of U.S. Patent No. 7,139,761 in Question 1, do you find that Leader has proven by a preponderance of the evidence that Facebook has infringed any of those claims under the doctrine of equivalents?

YES \_\_\_\_\_

NO 

- a. If you answered "Yes," please mark the claims you found to be infringed under the doctrine of equivalents.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**3. Control or Direction**

With respect to its infringement claims against Facebook with respect to claims 9, 11, and 16, has Leader shown by a preponderance of the evidence that Facebook controls or directs the accused actions of Facebook end users and/or Facebook employees?

a. Facebook end users YES \_\_\_\_\_

NO 

b. Facebook employees YES \_\_\_\_\_

NO 

**4. Priority Date of U.S. Patent No. 7,139,761**

Do you find that Leader has proven by a preponderance of the evidence that U.S. Patent Application No. 60/432255 (the “Provisional Application”) fully discloses each and every element of any asserted claim of U.S. Patent No. 7,139,761?

YES \_\_\_\_\_

NO 

- a. If you answered “Yes,” please mark the asserted claims of U.S. Patent No. 7,139,761 for which you found that each and every element was fully disclosed by the Provisional Application.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	_____

**B. Facebook’s Patent Invalidity Defenses****1. On-Sale Bar**

Do you find that Facebook has proven by clear and convincing evidence that the asserted claims of U.S. Patent No. 7,139,761 are invalid because the alleged invention was the subject of an invalidating offer of sale?

YES 

NO \_\_\_\_\_

**2. Prior Public Use**

Do you find that Facebook has proven by clear and convincing evidence that the asserted claims of U.S. Patent No. 7,139,761 are invalid because the alleged invention was the subject of an invalidating public use?

YES 

NO \_\_\_\_\_

**3. Anticipation by iManage**

Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by iManage DeskSite 6.0 (“iManage”)?

YES \_\_\_\_\_

NO

- a. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	_____

**4. Anticipation by Swartz**

Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by U.S. Patent No. 6,236,994 B1 (“Swartz”)?

YES \_\_\_\_\_

NO

- a. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	_____

**5. Anticipation by Hubert**

Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by European Patent Application No. EP 1 087 306 A2 or U.S. Patent No. 7,590,934 B2 (“Hubert”)?

YES \_\_\_\_\_

NO 

- a. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	_____

**6. Obviousness**

Do you find that Facebook has proven by clear and convincing evidence that any of the claims of U.S. Patent No. 7,139,761 are invalid on the ground of obviousness?

YES \_\_\_\_\_

NO 

- a. If you answered “Yes,” please mark the claims you found to be obvious.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	_____

**Signatures**

Date July 28 2010

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